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Fiftieth session

SUMMARY RECORD OF THE 1306th MEETING

Held at Headquarters, New York,
on Wednesday, 30 March 1994, at 10 a.m.

Chairman: Mr. ANDO

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Cameroon (CCPR/C/63/Add.1)

1. At the invitation of the Chairman, Mr. Biloa Tang and Mr. Zibi Nsoe (Cameroon) took places at the Committee table.

2. Mr. ZIBI NSOE (Cameroon) said that, since the submission of its previous report, Cameroon had made significant progress in the passage of legislation for the protection of the fundamental rights and freedoms recognized in the Covenant. Among the most significant was Act No. 90-956 of 19 December 1990 establishing the multi-party system, which gave effect to article 3 of the Constitution of 1972. In the 1992 legislative elections, 36 parties had presented candidates, and there had been 8 candidates in the presidential elections held in October 1993. Other important recent legislation included the repeal of the laws against subversion and concerning conditions for entry into, exit from and residence in Cameroon; exit visas were no longer required for Cameroonian nationals, and a married woman no longer needed her husband's permission to leave the country.

3. The National Committee for Human Rights and Freedoms had recently been established, its functions being to receive reports of human rights violations; conduct inquiries and investigations, and report its findings direct to the President of the Republic; inform the authorities of cases of human rights violations; conduct visits to prisons and police stations in the presence of the public prosecutor or his representative and report thereon to the competent authorities; study all questions relating to the protection and promotion of human rights and freedoms; recommend measures to be taken in the area of human rights and freedoms; coordinate the activities of non-governmental organizations which wished to participate in its work; and maintain relations with the United Nations and international human rights bodies.

4. Act. No. 90/052 of 19 December 1990 on freedom of social communication had liberalized the organs of the press and the other media of communication.

5. The situation of human rights in Cameroon might not yet be perfect, but, as his comments indicated, the Government had made a commitment to work towards the promotion and protection of those rights.

Constitutional and legal framework within which the Covenant is implemented, state of emergency, non-discrimination and protection of the family and children (arts. 2, 3, 4, 23, 24 and 26) (sect. I of the list of issues)

6. The CHAIRMAN read out section I of the list of issues concerning the second periodic report of Cameroon, namely: (a) factors or difficulties affecting the implementation of the Covenant, particularly since the introduction of the multiparty system in 1990; (b) cases in which the provisions of the Covenant had been invoked in the Cameroonian courts; (c) additional information on the composition, functions and recent activities of the National Committee for Human

(The Chairman)

Rights and Freedoms; (d) steps taken to disseminate information, in the various languages spoken in Cameroon, on the rights recognized in the Covenant and the first Optional Protocol and the extent to which the public had been informed of the Committee's consideration of the report; (e) additional information on the powerful factors militating against equality between men and women, and measures taken to improve the situation and to disseminate information on the rights of women; (f) information on any state of emergency proclaimed since the consideration of the initial report, its duration and the rights from which there had been derogations; and (g) the legal provisions ensuring respect for article 4, paragraph 2, of the Covenant in a state of emergency, the guarantees and effective remedies available to individuals in that event, and any steps taken to bring Cameroonian law into line with the requirements of article 4, paragraph 3, of the Covenant.

7. Mr. ZIBI NSOE (Cameroon), referring to section I (a), said that there had been no obstacles as such to the implementation of the Covenant. Cameroon had returned to a multiparty political system after 24 years under a one-party system, however, and some excesses had occurred because the lessons of democracy had not yet been fully assimilated and some people, including party leaders, had believed that they were above the law. He was confident that, with greater experience, the understanding of democracy and freedom would improve and the ideals of the Covenant would be achieved. With regard to section I (b), although the Covenant could be invoked directly, there was no widespread awareness of that fact. A major media campaign, which included round-table discussions and radio and television programmes, was currently under way to disseminate information concerning the Covenant and other international instruments. Referring to section I (d), he said that the use of national languages was limited to radio programmes, but efforts were being made to translate the Covenant and other international instruments into the major national languages.

8. With regard to section I (e), he said that equality between men and women was established in the Constitution and that several laws had been passed to implement that principle. The traditions of a predominantly patriarchal society had, however, prevented the principle of equality of the sexes from becoming a reality. The differentiation of sex roles was far more pronounced in family life than in public and professional life. Among measures taken to remedy the situation, the Government ensured equal access to education for boys and girls and equal access to employment in the civil service. A Ministry of Social and Women's Affairs had been established, and numerous associations of professional women and other women's groups had been formed. Those groups were actively involved in preparations for the Fourth World Conference on Women, to be held in 1995.

9. Mr. BILOA TANG (Cameroon), responding to the request for additional information on the National Committee for Human Rights and Freedoms in section I (c) of the list of issues, said that it had been established in 1990 by the Head of State, and had begun its work in 1992. Its 18 members were drawn from the administration, the Ministry of Justice, the Supreme Court, the political parties represented in the National Assembly, the Cameroonian Bar, the Faculty of Law, the press, the Cameroonian Economic and Social Council and women's organizations. Members and alternates were appointed for five-year

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terms. The main mission of the National Committee was to protect and promote human rights and fundamental freedoms in Cameroon. It received reports of alleged violations and conducted inquiries and investigations, reporting direct to the President of the Republic; it was authorized to visit any prison or place of detention in the course of its investigations; its functions included missions to the provinces to hold informational and educational seminars intended to raise awareness and educate citizens about their human rights; and it maintained relations with non-governmental organizations and coordinated their activities. It had also participated in a media campaign, and, in conjunction with the United Nations Information Centre, had organized a "human rights day".

10. With reference to section I (f), he said that a state of emergency had been proclaimed in Cameroon since the consideration of the first report. Concern for the maintenance of public order must be balanced against individual rights. Any organized society required order if it was to survive, and Cameroon was not unique in restricting during times of emergency the individual rights that were enjoyed during normal times. Act No. 90/047 of 19 December 1990 provided that certain rights and freedoms could be restricted when circumstances so required, for instance, in the event of natural disasters, a serious threat to the security of the State or public order, and external aggression. The President of the Republic could proclaim a state of emergency for a period of not more than three months in all or part of the national territory. It was under the provisions of that Act that the President had declared a state of emergency in October 1992 in the Nord-Ouest province after serious disturbances had broken out following the official proclamation of the results of the presidential elections. The state of emergency had been lifted after one and a half months. Although the right to enter and leave the province and freedom of movement within it had been temporarily suspended, the Government had not derogated from its obligations under articles 6, 7, 8, 11, 15, 16 and 18 of the Covenant. Article 8 of the Act required the authorities to inform the National Committee for Human Rights and Freedoms of any measures taken pursuant to emergency legislation. The Act further provided that whenever anyone was placed under restricted residence, the administrative authorities must provide him with the means of subsistence.

11. Mr. NDIAYE said that, on the whole, the report had been prepared in accordance with the Committee's guidelines, although it glossed over some issues and did not contain specific data relating to certain articles of the Covenant.

12. With regard to the status of the Covenant in Cameroon, the implications of paragraph 9 of the report were unclear; if any legislative act or regulation contrary to duly ratified and promulgated international instruments was null, that meant that the act or regulation in question had, in effect, been withdrawn from the corpus of law. In his country, while international treaties took precedence over domestic legislation, that did not mean that provisions contrary to such treaties were virtually non-existent. Additional information on that point would be useful.

(Mr. Ndiaye)

13. It would be interesting to learn whether the members of the National Committee for Human Rights and Freedoms combined their professional duties as private citizens with their functions on the Committee and, if so, how they managed to do so.

14. It would also be useful to have a fuller account of the Committee's role and effectiveness, since, according to an Amnesty International report, the Committee's work had been obstructed on at least two occasions. In May 1992, the Chairman of the Committee had allegedly been refused permission to communicate with a political prisoner; furthermore, he himself had been incarcerated briefly, and his documents had been confiscated. It was further alleged that the Committee had visited two prisoners held by the Cameroonian security services in November 1992 and had found that recourse to torture was systematic. He requested the representatives of the reporting State to comment on those allegations, which were very serious.

15. Lastly, referring to paragraph 39 of the report, which stated that there were still powerful factors militating against equality between men and women, particularly in the Muslim and rural areas, he requested the reporting State to be more specific about those aspects of Islam which were detrimental to women's equality.

16. Mrs. CHANET said that, while the report followed the Committee's guidelines, it did not elaborate on the difficulties of implementing human rights legislation. As indicated in paragraph 31 of the report, numerous human rights violations went unpunished in Cameroon despite a whole array of legislation, largely because potential litigants lacked a sufficient legal culture. The absence of such a culture should not be attributed to potential litigants, but to the Government, which had a responsibility to educate the people so as to make them aware of their rights.

17. She shared the views expressed by Mr. Ndiaye regarding paragraph 9 of the report; it was strange that the principle of absolute nullity could be applied to a legislative act. The Government should explain who was empowered to declare that a piece of legislation was "null absolutely", and what procedures were followed.

18. The statement in paragraph 27 of the report that the rights recognized under the Covenant were guaranteed in Cameroon by the preamble to the Constitution, which had the same status in law as the main body of the text, was not entirely accurate. While some rights embodied in the Covenant might be mentioned in the preamble to the Constitution, others were not: for instance, the right of anyone who was deprived of his liberty by arrest or detention to institute proceedings before a court (art. 9, para. 4), and the right of everyone, in the determination of any criminal charge against him, to a fair and public hearing (art. 14). The reporting State should clarify those omissions.

19. Furthermore, the Constitution provided few details regarding the organization of the judiciary. She would be grateful for additional information as to whether the judiciary was independent; whether its independence was guaranteed by rules and, if so, which ones; and how judges were appointed, whether their career development was subject to rules, whether they were subject

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to disciplinary norms, and whether there was any distinction between Government procurators (magistrats du Parquet) and judges (magistrats du siège).

20. With regard to the state of emergency declared in 1992, according to the Cameroonian representative, the Government had not derogated from its obligations under article 4, paragraph 2, and articles 6 and 7 of the Covenant and Cameroonian legislation would not have permitted it to do so. However, she failed to understand why the Government had not implemented the provisions of article 4, paragraph 3, of the Covenant in full and had not informed the Secretary-General of the declaration of a state of emergency.

21. With regard to the National Committee for Human Rights and Freedoms, she, too, was struck by the contrast between the considerations that had led to its establishment and the conditions under which it was compelled to operate. If the report from Amnesty International was true, it raised serious questions as to the role and effectiveness of the National Committee.

22. According to paragraph 26 of the report, which dealt with the electoral reform, candidacies put forward by a legally recognized political party were now taken into consideration. The phrase "taken into consideration", however, did not necessarily mean that such candidacies were automatically put before the electorate. She would appreciate information as to whether there was a prior selection of candidates and, if so, by whom; how a political party was established, financed and regulated; and whether the introduction in 1990 of a multiparty system meant that the provisions of article 25 of the Covenant would now be fully implemented.

23. Mrs. EVATT said that, while both the report and the oral presentation contained much useful information, the report also restated a good deal of the material contained in the earlier report and failed to provide sufficient details on the actual enjoyment of human rights in Cameroon.

24. The reporting State should indicate whether the National Committee for Human Rights and Freedoms was specifically empowered to institute court proceedings in order to obtain enforceable remedies or to nullify laws and actions that were in conflict with the Covenant or with the rights and freedoms enunciated in the preamble to the Constitution. In particular, it would be useful to learn how an individual, for instance, a prisoner, could have access to the National Committee, and how the latter protected individuals in respect of the rights embodied in the Covenant. She also wished to know whether the Committee was independent of the public service and whether it had its own secretariat and budget. Lastly, the reporting State should indicate whether it was aware of the complaints received by the Human Right Committee relating to the obstruction of the work of the National Committee for Human Rights and Freedoms.

25. With regard to articles 3 and 26 of the Covenant, relating to the status of women, reference had been made to traditional attitudes. Customary laws in Africa were often detrimental to women's equality and she would appreciate information as to whether any attempts were being made to bring such laws into conformity with the Covenant. The response that those matters should be handled within the family was unsatisfactory; the Government must provide leadership and

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education so as to ensure that women were able to take their rightful place in society. The report contained little information on the levels of education and literacy among women and on their participation in Government and politics. It would be interesting to learn whether there were any other female members of the National Committee for Human Rights and Freedoms other than the women's representatives to whom the representatives of the reporting State had referred.

26. With regard to the issue of female genital mutilation, reference had been made to the Government educational and awareness-raising programmes being carried out in the communities; data should be provided on the effectiveness of such programmes. Any information that could reassure the Human Rights Committee that the physical integrity of girls and young women was being adequately safeguarded would also be welcome.

27. Mr. BAN said that the report reflected important developments in the human rights situation in Cameroon; for example, married women no longer needed their husbands' permission to apply for an exit visa (para. 35) and women were serving in the Government and as ambassadors and directors of public-sector companies (para. 36). The ratification by Cameroon in 1989 of the Convention on the Rights of the Child was also a major step forward.

28. The most significant event in the country's political history during the period under review had been the introduction of a multiparty system; the report, however, mentioned it only once, in paragraph 3, and then only in a general way, thus missing an opportunity to explore the impact of that event on the political structures and the situation of human rights in Cameroon. Inasmuch as the transition from a one-party system to a multiparty system had been envisaged in the first periodic report and had been called for by members of the Committee, it would have been helpful if the second report could have described in greater detail the new political landscape in the country after 1990.

29. He had a number of questions concerning the nature of the new political regime and the structure of the State organs. In particular, he would like to know what legislative and executive bodies existed, what the role of the President was, and what the division of legislative and executive competence was. Concerning the electoral system, he wished to know what impact the new electoral legislation had had on the transition to a multiparty system, how many parties existed and how many were in opposition, and whether any efforts were under way to draft a new constitution, given that the existing one was based on a single party system.

30. It was disturbing to note that the Committee had received from other sources reports of massive human rights violations in Cameroon, including the imprisonment without trial and the torture of opposition party members and of journalists. There seemed to be widespread recourse to administrative detention and political assassinations. In a recent report Amnesty International had called for an end to those practices. He would welcome the comments of the reporting State.

31. Mr. EL-SHAFEI said that the report contained scant information on the transition to a multiparty system. It seemed that the representatives of the reporting State were glossing over the Committee's questions, which had been prepared with considerable thought. The Committee's only concern was to assist Cameroon and he felt that a greater effort could be made to respond to its concerns.

32. He was interested in the status of the Covenant and how it was implemented in Cameroon, since it appeared that its provisions were not well known, even by legal practitioners who should be aware of its provisions in their day-to-day activities. For example, the Committee had not received many communications under the Optional Protocol. He wondered whether there were specific human rights research institutes at Cameroonian universities.

33. He welcomed the establishment of the National Committee for Human Rights and Freedoms, and asked what its functions were other than simply issuing recommendations.

34. Commenting on the political transition, he noted that the Committee had received reports of the imprisonment of opposition politicians. It was important for the representatives of the reporting State to be forthcoming on that matter. With regard to the state of emergency, he wished to know what rights had been derogated from and what impact there had been on everyday life.

35. Mrs. HIGGINS said that she was particularly interested in the recent political developments in Cameroon and in issues relating to freedom of movement. While the report followed the Committee's guidelines, it was somewhat formalistic.

36. She commended the National Committee for Human Rights and Freedoms on its work, but wondered what practical impact its recommendations had and whether its staff were at risk in discharging their duties.

37. The notice of termination of the state of emergency had been submitted to the Special Rapporteur on human rights and states of emergency of the Commission on Human Rights, a procedure which was not in compliance with the Covenant, under which there was an obligation to notify the Secretary-General of the United Nations, by which means the Committee itself would have been apprised. The Committee needed more information - specifically, as to why there had been any need for the declaration of a state of emergency, the text of the emergency decree, an indication of what rights had been derogated from, and the details of the notification of termination - so that it could determine whether article 4, paragraph 3, had been complied with.

38. It was gratifying that the report recognized that the right to self-determination did not merely involve independence from colonial rule, but included the ongoing right to exercise political choice. An impartial voting system was an important element in securing that right, and in that connection, she noted that there had been widespread reports of election fraud in 1992. That had led to objections by the opposition, which had been a direct cause of the declaration of the state of emergency. She asked what was being done, in

(Mrs. Higgins)

terms of electoral practice, to ensure that the transition to a multiparty system was indeed a reality. Local government elections were due to be held in the near future and would provide an opportunity to assess the current situation. The political system must work in practice and not just exist in a legislative sense; in that connection, she noted the reports of arrests of opposition politicians. Lastly, she asked whether a new constitution would be drafted as part of the transition.

39. Mr. BRUNI CELLI said that Cameroon had ratified many international human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to the Covenant itself, had established the National Committee for Human Rights and Freedoms, and had made a transition to a multiparty system. All those developments created certain expectations, which, regrettably, did not appear to be fulfilled, given the reality of political detention in Cameroon. The report indicated that many human rights violations went unpunished because of the country's legal culture. It seemed, therefore, that there was a need to promote an awareness of democracy, which must become a reality rather than be merely established by law.

40. In the context of the political changes, there had been allegations of electoral fraud and of disappearances and torture. More specific comments on those points were required. In particular, the Committee needed to know what practical steps were being taken by Cameroon to meet its obligations, and what attempts were being made to ensure respect for the new approach to human rights.

41. Mr. SADI welcomed the transition to a multiparty system, but noted that the legacy of a single-party regime meant that difficulties would inevitably arise. He appreciated the frankness of the representatives of the reporting State and welcomed the determination of the Cameroonian Government to effect change.

42. There were, however, some concerns regarding the status of the Covenant in Cameroon. The report suggested that only some of the Covenant's principles were recognized under Cameroonian legislation and that some discrimination between men and women still existed. In that connection, it would be of interest to know what happened when there was a conflict between the dictates of tradition and religion and Cameroonian legislation. Similarly, the references to discrimination and harassment in the preamble to the Constitution were more limited than was required under article 2 of the Covenant. With regard to the National Committee for Human Rights and Freedoms, it would be of interest to know how relevant the provisions of the Covenant were to its work and to have some statistics on the number of complaints it had dealt with.

43. Mr. LALLAH asked for more information as to how the second periodic report had been prepared, whether the National Committee for Human Rights and Freedoms had taken part in its preparation, and whether the comments of the Human Rights Committee on the first periodic report had been taken into account. Noting that there was a contradiction between the periodic report and the reports the Committee had received from other sources regarding violations of human rights in Cameroon, he asked whether the National Committee was aware of the obligations imposed by the Covenant and what weight was given to the work of the National Committee by the Government. He also asked for further information as

(Mr. Lallah)

to what happened in practice with regard to the rights of women and how the recent state of emergency had affected the rights guaranteed under Article 4 of the Covenant.

44. Mr. WENNERGREN noted that the report did not provide any insight into how the human rights situation in Cameroon had developed since the first periodic report and said he would like more information on the obstacles encountered in achieving the objectives of the reforms initiated in 1990. He asked whether the National Committee for Human Rights and Freedoms provided advice to the Government, whether it had been consulted in the preparation of the second periodic report and what its powers were with regard to complaints of human rights violations from individuals. He also asked to what extent it was possible for children to learn about human rights.

45. Mr. AGUILAR asked for more information regarding the revolutionary provisions referred to in paragraph 3 of the report and the multiparty system established in 1990. He also requested further information as to what difficulties had led to the proclamation of a state of emergency following the elections and what was being done to disseminate knowledge of and respect for human rights in Cameroon. He requested more details concerning the participation of women in education, the professions and government and concerning the factors militating against equality between men and women referred to in paragraph 39 of the report.

46. Mr. HERNDL said that, although the report followed the guidelines established by the Committee, it did not contain the information which the Committee wanted. He asked for more information concerning the composition and functions of the National Committee for Human Rights and Freedoms and the measures envisaged or already taken to mitigate the factors militating against the equality of men and women referred to in paragraph 39. He also asked what the relationship was between the Constitutions of 1960 and 1972 and the present Constitution; whether there were plans to adopt a new Constitution; what happened when the rights guaranteed under international instruments to which Cameroon had acceded conflicted with national legislation; and whether Cameroon had ratified the Universal Declaration of Human Rights.

47. Mr. PRADO VALLEJO requested more information concerning the powers of the National Committee for Human Rights and Freedoms and the guarantees of its independence. He asked what the Government was doing to reduce the number of violations of human rights and whether there were any programmes of education in human rights in the schools and for the police. He also requested more information concerning the suspension of human rights during the recent state of emergency.

The meeting rose at 1 p.m.